

The Westfield-Washington Advisory Plan Commission held a meeting on Monday, July 21, 2008 scheduled for 7:00 PM at the Westfield City Hall-Council Chambers.

Opening of Meeting 7:00 PM

Roll Call – Note Presence of a Quorum

Commission Members Present: Robert Smith, President; Cindy Spoljaric, Vice-President, Robert Horkay, Ginny Kelleher, Daniel Degnan, Pete Emigh, Bill Sanders, Rob Stokes, and Bob Spraeztz.

City Staff Present: Gregory J Anderson, Director CD and Brian Zaiger, City Attorney;

Approval of the Minutes:

Motion: To adopt the June 2 Workshop Minutes as presented.

Motion by: Emigh; Second by Spraeztz; Vote: (9-0)

Motion: To adopt the June 16 Public Hearing Minutes as presented.

Motion by: Emigh; Second by Stokes; Vote: (9-0)

Anderson discussed any withdrawn or continued items on the agenda.

Leuteritz read the Public Rules and Procedures.

NEW BUSINESS

Case No. 0709-REZ-04
Petitioner Douglas Realty Group, LLC
Description 16024 Spring Mill Road, Requests a change in zoning for approximately 20 acres from the AG-SF-1 District to the LB District.

Mr. Doug McCauley presented the petition and some background on the project.

A Public Hearing opened at 7:20 p.m.

Mr. Joe Ferraro asked the Commission to stick to the Comprehensive Plan or change it all and give this item careful consideration.

Mr. Fred Boyer expressed concern about the homes around him which are either being sold, rented, or are vacant and believes this is not a residential area any longer; he further believes this area should be commercial.

Mr. Jim Ake expressed concern about traffic issues and does not see any way this project would benefit the area.

Mr. Ron Thomas spoke against the petition referencing the Special Study which involved over 300 people of which 75% were against commercial versus the 30 citizens the petitioner claims are in favor of commercial.

Mr. Joe Plankis spoke against the petition referring to the Comprehensive Plan and the Special Study.

Mr. Mic Mead spoke against the petition stating there are other areas already approved in better locations for commercial development.

Ms. Renae Jordan spoke against the petition and stated the retail center currently at 161st and Springmill is not yet full and therefore, does not believe more retail is necessary in this location.

Mr. Neil Schneider spoke in favor of the petition stating he would rather see a commercial zone with a park and parking for the soccer fields rather than people walking through his yard. He further stated he would rather this project than more residential.

Ms. Susan Spencer spoke in favor of the petition and believes this is a great opportunity for Westfield.

The Public Hearing closed at 7:40 p.m.

McCauley responded to the public hearing comments.

Anderson reviewed the staff report and petition history stating this petition is inconsistent with the recommendations of the Comprehensive Plan and staff recommends the Commission sending this petition to the City Council with a negative recommendation.

Smith reminded the Commission that the City Council has passed a resolution regarding this area and based upon the extensive community surveys done, they would not look favorable upon this rezone.

Motion: To send 0709-REZ-04 to the City Council with a negative recommendation.

Motion by: Stokes; Second by: Spoljaric; Vote: (9-0)

Case No.	0807-REZ-02
Petitioner	Crossroads Church at Westfield, Inc.
Description	16201 Spring Mill Road, Requests a change in zoning for

approximately one and eight-tenths (1.79) acres from the AG-SF-1 District to the GB District.

Anderson reviewed the staff report and the petition history stating this is the first public hearing for this petition and this petition was reviewed at the July 7 workshop meeting.

A Public Hearing opened at 7:50 p.m.

Ms. Mary Soliday, representing the petitioner, presented the details of the petition and gave some background. She stated the adjoining property owners are in support of the petition. She further stated there have been several meetings with staff; they went before the City Council on June 9, and have attended the Technical Advisory Committee and the Workshop meeting on July 7. She brought the Commission's attention to the commitments as to potential development of the property.

Mr. Mic Mead spoke against the petition stating maybe the owner of the property could donate the property to the City for a park, etc., but believes this proposal is clearly not economic development considering it is competition for already approved projects nearby.

Mr. Ron Thomas spoke against the petition questioning staff's recommendation and asked the Commission to follow the Comprehensive Plan, which is to keep this residential.

Ms. Kristin Fiol spoke in favor of the petition and expressed her desire for more sidewalks and to get rid of the "blue house."

Ms. Tish Krebs spoke in favor of the petition stating her desire for sidewalks and to get rid of the "blue house."

Mr. Jim Ake spoke against the petition and spoke of the need for consistency with the Comprehensive Plan and stated there are plenty of other opportunities in the community and there are still empty stores in the Commons area.

Mr. Fred Boyer spoke against the petition.

Soliday responded to public hearing comments.

The Public Hearing closed at 8:12 p.m.

Discussion followed regarding:

- Spoljaric asked why GB zoning and not LB zoning, which seems more appropriate. She also stated a transitional use is appropriate.
- Horkay stated at a previous meeting the petitioner was asked to reduce the list of uses to a short list and this was not done.

- Smith stated he could not approve with such a list of uses and agreed a short list needs to be submitted.
- Kelleher agrees GB zoning is not appropriate and the list of uses needs to be considerably shortened.
- Spraetz stated the additional retail would just add to the already existing infrastructure problem.
- Sanders expressed concern about the size and location of a 15,000 square foot building.
- Spoljaric added that although she suggested LB zoning, this does not necessarily mean she will automatically support the project; there would still be many restrictions.
- Horkay stated that at a previous meeting it was specifically suggested that it is important to look at something other than just retail type uses.

Motion: To table 0807-REZ-02 for 30 days.

Motion by: Emigh; Second by: Spraetz; Vote: Motion failed (4-5) (Kelleher, Spoljaric, Sanders, Horkay, Stokes)

Motion: To send 0807-REZ-02 to the City Council with a negative recommendation.

Motion by: Emigh; Second by: Horkay; Vote: (9-0)

Petitioner's Counsel withdrew the petition and does not see a need for this to go before the City Council.

Emigh left the meeting.

Spraetz left the meeting.

Case No.	0807-ZOA-11
Petitioner	City Staff
Description	Temporary Sales / Events A new section of the Zoning Ordinance to provide for Temporary Sales and Events.

Anderson reviewed the proposed ordinance stating this is a new ordinance so there is no history. He further stated inspections on such events would be completed by the Community Development Department, the Fire Department and the Police Department.

A Public Hearing opened at 7:26 p.m.

Mr. Mic Mead expressed concern about sidewalk sales and the sidewalks being blocked.

The Public Hearing closed at 8:47 p.m.

Discussion followed regarding:

- Kelleher asked various questions regarding time limits, parking, landscaping, etc.
- Spoljaric stated she is troubled by the possibility of a commercial user with a parking lot next to a residential district holding a temporary event and there being nothing prohibiting them from bringing in large trucks and parking them.

Motion: To send 0807-ZOA-11 to the City Council with a positive recommendation.

Motion by: Stokes; Second by: Degnan; Vote: (7-0)

Spraetz returned to the meeting.

Case No.	0807-ZOA-13
Petitioner	City Staff
Description	Special Districts A new section of the Zoning Ordinance to provide for the development of educational, religious, and governmental institutions, as well as provide for designated preservation and open areas as well as recreational facilities and opportunities.

Anderson reviewed the proposed ordinance, the staff report, and changes made as a result of Commission comments, explaining that these are pulled out of the residential districts and given their own standards including set backs, procedures, and rules. He further stated the intention of the Special Districts was to reduce unnecessary appearances before the Advisory Plan Commission and provide for increased administrative review for uses within the special districts. He stated staff's recommendation is for the Commission to forward 0807-ZOA-13 to the City Council with a positive recommendation.

A Public Hearing opened at 8:53 p.m.

No one spoke, and the Public Hearing closed at 8:54 p.m.

Discussion followed regarding:

- Spoljaric questioned some of the commercial uses and commented on bike racks and setbacks and requested instead of having three different special districts, have different requirements and be left to the discretion of the director.
- Intent, purpose, and applicability – institutional, governmental, churches, and schools
- Special Districts Table and stand alone uses
- Special District 1 Development Standards
- Special District 3

Motion: To send 0807-ZOA-13 to the City Council with a positive recommendation.

Motion by: Stokes; Second by: Spraetz; Vote: (6-2) (Kelleher, Sanders)

Case No. 0807-ZOA-14
Petitioner City Staff
Description WC 16.04.165 Development Plan Review
Revisions to the existing Development Plan Review language to
accommodate the addition of Special Districts to the Zoning Ordinance.

Anderson reviewed the proposed ordinance revision and changes and stated that staff's recommendation is to forward this to the City Council with a positive recommendation.

Discussion followed regarding:

A Public Hearing opened at 9:19 p.m.

No one spoke, and the Public Hearing closed at 9:20 p.m.

Discussion followed regarding:

- Building Materials, specifically EFIS
- Loading docks adjoining residential and screening
- Anderson stated loading docks will be a separate section as well as parking.
- Anderson stated there will be a Design Guideline Book/Architectural Review Requirements developed in the future, which will probably be part of the Zoning Ordinance.

Motion: To send 0807-ZOA-14 to the City Council with a positive recommendation.

Motion by: Horkay; Second by: Stokes; Vote: (6-2) (Kelleher, Spoljaric)

ADJOURNMENT (9:30 PM)

Approved (date)

President, Robert Smith, Esq.

Vice-President, Cindy Spoljaric

Secretary, Gregory J. Anderson, AICP